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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Applicant: Iwamura	)	Art Unit: 2419
	)	
Serial No.: 10/790,496	)	Examiner: Phunkulh
	)	
Filed: March 1, 2004	)	<b>50T5713.02</b>
	)	
For: <b>SYSTEM AND METHOD FOR MULTI-LINK</b>	)	September 6, 2009
<b>COMMUNICATION IN HOME NETWORK</b>	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

**REPLY BRIEF**

Commissioner of Patents and Trademarks

Dear Sir:

This Reply brief responds to the Examiner's Answer dated September 1, 2009. On the top of page 10 the Answer alleges that a wired or wireless path is selected in Falvo "by default", while openly admitting that "Falvo fails to explicitly disclose each display device is connected to WLAN 330 via both wireless connection and wired connection at any time *or the server determining which path to use for communication based one (sic) of the bandwidth capability and the occupancy ratio. Nevertheless, the reference and the ground for rejection remain intact*" (emphasis mine). Thus, the conferees concede that as to Claim 1, of the three path selection criteria (component preference, a bandwidth capability, an occupancy ratio) the latter two are patentably distinct, with the issue thus boiling down to whether the first criterion (component preference) is suggested in Falvo.

The conferees insist that it is "by default". But it is not, by default or otherwise. In paragraph 61 Falvo comes closer than elsewhere to resolving the mystery, discussing a human message originator: "[t]he

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*message originator* also sets up a plurality of message transmission parameters", lines 7 and 8 (emphasis mine), including intended message destination devices. One of those devices is a STB (line 10), disclosed in earlier paragraph 49, line 8 as communicating over a wired path. Another destination device mentioned in paragraph 61 is a wireless display device (line 11), disclosed earlier in paragraph 49 as communicating over a wireless path.

Accordingly, unlike Claim 1 in which (1) a server and/or (2) a component determines which path to use for communication based on *component* preference, at most Falvo appears to suggest that a *human* sets up message transmission parameters apparently to suit the communication path selected by *the human*, although Falvo does not even say this much. Regardless, because the rejections are based on a clearly erroneous misunderstanding that Falvo "by default" suggests a *server or component* selecting a path based on a *component* preference, neither of which is true, the rejections constitute clear reversible error.

A second error manifest in the Answer is the allegation on page 11 that devices 320 and 325 are connected to the WLAN bridge 330 via both a wired and a wireless link "since they are in close proximity to the WLAN bridge 330 and the devices 320 and 325 are capable of wireless connection." This syllogism, which boils down to "since the devices can communicate wirelessly, and they are close enough to the WLAN bridge to do so, then they communicate wirelessly" is false because the minor premise is false. Simply being close enough to a wireless portal means nothing about whether communication is established with that portal, because a host of other configuration and communication parameters must also be enabled. Because the Answer is clearly erroneous in its technical reasoning on this point, it merits reversal.

Respectfully submitted, /John L. Rogitz/  
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